



George Austin &lt;gaustin07@berkeley.edu&gt;

**"NOTICE" EDD Legal Department - (AFFIDAVIT for Writ of Injunctive Relief from EDD by George J. Austin) Fwd: Activity in Case 3:20-cv-00800-EMC Austin v. Tesla, Inc. et al Affidavit**

1 message

George Austin &lt;gaustin07@berkeley.edu&gt;

Wed, Sep 16, 2020 at 6:20 PM

To: "eddinternetmail@edd.ca.gov" <eddinternetmail@edd.ca.gov>, "Christopher.Workman@edd.ca.gov" <Christopher.Workman@edd.ca.gov>, "Mitchell, Ivory@EDD" <Ivory.Mitchell@edd.ca.gov>, EDD ISO Privacy Disclosure Unit <ISOPrivacyDisclosureUnit@edd.ca.gov>, EDD EEMAIL <EEEmail@edd.ca.gov>  
Cc: "George J. Austin, esq. TBA" <gaustin07@gmail.com>, George Austin [REDACTED] George Austin <Gaustin07@berkeley.edu>

Bcc: [REDACTED]

Good Evening, Chris or Attorney Workman (for EDD).

I hope this finds you phenomenally well, and blessed beyond measure (as am I).

Thank you for your call, and message, this morning, at approximately 8:30ish this am. You are correct that I faxed, and mailed in the 'notice' to your respective organizational departments after speaking with one of your attorneys on the phone. However, it sounds from the message that was left, that you are perhaps a bit misinformed regarding 'notice' vs. service requirements in regard to injunctive relief under Northern District Local Rules number 65 (regarding Injunctions). See attached, and below, for full AFFIDAVIT submitted to Ninth Circuit Federal Court, Northern District this morning in Austin v. Tesla, EDD, et. al.

Under Federal law, the procedure, and standard for obtaining injunctive relief is governed by Federal Rule of Civil Procedure number 65, and Northern District Local Rule 65. Pursuant to Federal Rule of Civil Procedure 65(a) preliminary injunctions, Federal Rule of Civil Procedure 65(b) TROs and local rules 65, certain steps must be taken to secure injunctive relief on behalf of the Movant party. See Fed. R. Civ. P. 65(a)-(b), CA Northern District Local Rules 65. Under Fed. R. Civ. P. 65, a preliminary injunction may only issue on "notice" (Not Service, but NOTICE) to the adverse party. See Fed. R. Civ. P. 65(a). Also pursuant to Fed. R. Civ. P. 65, a TRO may issue without written or oral notice to the adverse party or their attorney. See Fed. R. Civ. P. 65(b). In addition, TROs expire 14 days after entry, unless before that time it is extended by the court. See Fed. R. Civ. P. 65(b)(2). The standards for TRO, Preliminary Injunction, and Specific Performance as forms of injunctive relief are similar.

See attached for the full Affidavit submitted to the court this morning. The Notice of that Affidavit from the Ninth Circuit Federal Court, Northern District, is below.

Under Local Rule 65, INJUNCTIONS 65-1, grants of Injunctive relief in the form of Temporary Restraining Orders require:

- (1) A copy of the complaint;
  - (2) A separate memorandum of points and authorities in support of the motion (or request);
  - (3) The proposed temporary restraining order; and
  - (4) Such other documents in support of the motion which the party wishes the Court to consider. (b)
- NOTICE to Opposition of Ex Parte Motion. Unless relieved by order of a Judge for good cause shown, on or before the day of an ex parte motion for a temporary restraining order, counsel applying for the temporary restraining order must deliver 'notice' of such motion to opposing counsel or party.

Here Plaintiff, George J. Austin (me), has included in his Affidavit, in requesting for injunctive relief in form of specific performance (full payment and backpay), Temporary Restraining Order (against underpaying, against statutory and constitutional standards), and Preliminary Injunction (to maintain the prohibition against those unconstitutional organizational behaviors), the specific documents:

- (1) Amended Complaint incorporating need for injunctive relief
- (2) Application & Motion for Writ of Injunctive Relief (TRO, Specific Performance; Preliminary Injunction) including:
  - (a) legal issues presented by the motion, and
  - (b) support of existence of irreparable harm
- (3) Affidavit detailing notice, or efforts to effect notice. See attached.

A brief synopsis/summary for injunctive relief, of the argument is below:

"The remedy is designed for extraordinary circumstances, and irreparable harms and that standard is met for Plaintiff's, George J. Austin's request, due to the extreme delay in the full payment of EDD unemployment's disability Insurance (UIC; DI) to the point of violating Plaintiff's Constitutional Due Process Rights under Robles II, supra, 236 Cal.App.4th, California Human Resources Dept. v. Java, supra, 402 U.S. 121, and Am. Fed'n of Labor v. Employment Dev. Dep't, 88 Cal.App.3d 811. EDD's non-compliance is not only a violation of "when due," according to the Social Security Act, but fundamentally due process, too, as the Supreme Court ruled. Payments from EDD, in accord with the policy intention of the service, and especially given the target audience [i.e. those injured and unable to work], should be made as soon as possible in the public interest, and in accord with policy goals.

Therefore, Plaintiff therefore seeks injunctive relief for Specific Performance, a (TRO) Temporarily Restraining Order, and Preliminary Injunction (PI) to prevent the further unjust deprivation of Plaintiff's rights, fraud, and illegal withholding of funds (another form of Compensation Code violations, and underlying causes of action for this suit). Plaintiff has provided NOTICE to EDD's Legal Department via three separate fax numbers, emails in their respective Departments (operations, legal, etc.), and verified via phone that the information was a) correct, and b) that notice was received. Although, Official service shall be made by the Federal Marshals (as Plaintiff requested), 'notice' can be provided in many forms (including those available here). See attached call log. Pursuant to Fed. R. Civ. P. 65(b) and Local Civil Rule 65, Plaintiff has, and shall make every reasonable effort to provide actual notice to Defendants as of the time of making this application, and shall provide copies of all pertinent pleadings and papers filed in this action to date. Plaintiff, Pro Se, and Attorney of Record, respectfully requests that this Court grant this motion for injunctive relief."

Feel free to respond to either of my email accounts [gaustin07@berkeley.edu](mailto:gaustin07@berkeley.edu), [gaustin07@gaustin07.com](mailto:gaustin07@gaustin07.com) (all the same person).

Also, can you verify IF there are additional points of contact that should be given notice, too?

Thank you,

George Jarvis (J). Austin, Esq. (TBA).  
Federal Attorney of Record, Plaintiff Pro Se  
White Collar Business Litigation

T-14 Law Student, 3L, On Sabbatical, Current  
California Senate, Capital Fellows, Senate Fellows, Alum, 2013  
University of California, Berkeley, Alum, 2009  
Bay Area Housing Commissioner, Alum 2010  
Tesla, Contractor, In-Litigation, Current (See Austin v. Tesla, et. al. - Labor Code Violations, Wage Theft, Whistle-blower Retaliation, Defamation, etc.)  
Georgetown, Student, In-Litigation, See Also, Austin v. Georgetown, et. al. - Rights of Publicity, Privacy, Whistle-blower Retaliation, Violations, etc.)

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"Workman, Christopher@EDD" <[Christopher.Workman@edd.ca.gov](mailto:Christopher.Workman@edd.ca.gov)>

## Chris Workman

Attorney

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Directorate

916-654-8410 Office

[Christopher.Workman@edd.ca.gov](mailto:Christopher.Workman@edd.ca.gov)

State of California

**Employment Development Department**

PO Box 826880, Sacramento, CA 94280

[www.edd.ca.gov](http://www.edd.ca.gov)

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----- Forwarded message -----

From: <[ECF-CAND@cand.uscourts.gov](mailto:ECF-CAND@cand.uscourts.gov)>

Date: Wed, Sep 16, 2020 at 3:49 PM

Subject: Activity in Case 3:20-cv-00800-EMC Austin v. Tesla, Inc. et al Affidavit

To: <[efiling@cand.uscourts.gov](mailto:efiling@cand.uscourts.gov)>

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

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U.S. District Court

California Northern District

## Notice of Electronic Filing

The following transaction was entered on 9/16/2020 at 3:48 PM and filed on 9/16/2020

**Case Name:** Austin v. Tesla, Inc. et al

**Case Number:** 3:20-cv-00800-EMC

**Filer:** George Jarvis Austin

**Document Number:** 29

### Docket Text:

**AFFIDAVIT re [25] Ex Parte Application, [27] Application for Writ, [28] Amended Complaint, [26] Clerk's Notice,, Set Motion and Deadlines/Hearings, [24] Notice of Additional Parties Plaintiff Affidavit For (EDD) INJUNCTIVE RELIEF by George Jarvis Austin. (Austin, George) (Filed on 9/16/2020)**

3:20-cv-00800-EMC Notice has been electronically mailed to:

George Jarvis Austin &nbsp; &nbsp; &nbsp; [gaustin07@berkeley.edu](mailto:gaustin07@berkeley.edu)

3:20-cv-00800-EMC Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

### Document description:Main Document

**Original filename:**C:\fakepath\Injunctive Relief Affidavit - Austin v Tesla (2)\_merged (1)\_merged\_compressed.pdf

### Electronic document Stamp:

[STAMP CANDStamp\_ID=977336130 [Date=9/16/2020] [FileNumber=17337889-0]  
[672b0c7e0a1d6046951399978e7133f253c21e4c6a67833c3e6bf013539a95eb1b40  
7d0c20c2c548103d4175d4b09e213ea2d73446f383719eb2c31f07d281e1]]



**Injunctive Relief Affidavit - Austin v Tesla (2)\_merged (1)\_merged\_compressed.pdf**  
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